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and ATTORNEYS FOR CLIENT NO. 006943
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CHICAGO IL 60606

MAILED
MAR 17 2010
OFFICE OF PETITIONS

In re Patent No. 7,572,471 : DECISION ON REQUEST
Lee et al. : FOR
Issue Date: August 11, 2009 : RECONSIDERATION OF
Application No. 10/628,420 : PATENT TERM ADJUSTMENT
Filed: July 29, 2003 : and
Atty Docket No. 006943.00310 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 13, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred and seventy-five (675) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred and seventy-four (674) days is **GRANTED to the extent indicated herein.**


As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on July 30, 2006 and ends on March 20, 2007, the day before the first RCE was filed, which amounts to 234 (not 235) days. See U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 674, not 675 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to Petitioner's Deposit Account, as authorized. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred and seventy-four (674) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,572,471 B2

DATED : August 11, 2009

DRAFT

INVENTOR(S) : Lee et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 440 days

Delete the phrase "by 440 days" and insert – by 674 days--